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SUBJECT: MARINE CASE UPDATE 07/07/06

REF: MANILA 2793 AND PREVIOUS

¶1. The trial of the four Marines accused of raping a Filipino woman continued during the week of July 3 with the cross examination of Analisa Franco, stepsister of the complainant, and direct examination of the complainant herself on July 6. There was no hearing on July 7 due to the "distraught" state of the complainant. During Ms. Franco's cross examination on July 3, defense attorneys focused on conversations that she might have had with the complainant after leaving the Neptune Club and to what extent alcohol influenced the complainant's behavior and mobility. Private prosecutor, Evelyn Ursua, who handled the testimony of the complainant, established the family situation, the nature of the relationship with the two American military members who met them in Subic that weekend, and finally her version of the timeline of events leading up to the incident. Court was not in session on July 4 due to the holiday. The prosecution likely will call perhaps four more witnesses, as well as continue with the testimony of the complainant on July 10. The defense attorneys are expected to ask their four clients to testify once the defense begins, and may also call 1-2 U.S. Marines now based in Okinawa. At a minimum, the trial should last 2-3 more weeks. At the conclusion of the trial, the judge will likely then ask the prosecutors and defense attorneys to summarize the facts of the case from their perspectives, which usually requires 1-2 more weeks. It appears that the earliest the judge could issue his ruling would be sometime in August.

¶2. SSGT Chad Carpentier gave an interview to local GMA-7 television reporter Lei Alviz on July 5, facilitated by Embassy Public Affairs in accordance with Department guidance. The taped segment aired that evening on GMA-7 news broadcasts at 1830 and 2330, with many newspapers repeating portions of it on July 6. In the interview, SSGT Carpentier denied that any crime took place on the evening in question but declined to give details of what he did witness. He said he feels no anger for the complainant but stated that she is "a victim of some of the people surrounding her." SSGT Carpentier also noted that the other three Marines look to him for support and that it has been difficult for him to "maintain strength for them."

¶3. The Mission's marine case working group members are trying to clarify whether Judge Pozon legally has the ability to render both a civil and criminal verdict at the completion of this trial.

¶4. Mission continues to provide security, citizen services, and other support to the Marines. Ambassador met Makati City Mayor Binay at the July 4th Embassy reception and took advantage of the opportunity to thank him for the city's cooperation. Personnel from Third Marine Expeditionary Force (III MEF), JUSMAG, Regional Security Office (RSO), and the Consular Section continue to attend all court sessions. RSO

remains pleased with the extent and quality of security
support provided by the mayor's office and police department.
Kenney